

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES

vs.

Criminal No. 04-30032-MAP

FRANK KEOUGH, et al.,  
Defendants

**DEFENDANT'S MOTION TO SEVER  
COUNTS 27 & 28, AND COUNTS 31-45,  
FROM THE SECOND SUPERSEDING INDICTMENT**

Now comes the Defendant, Francis Keough, in the above-captioned matter, and moves this Honorable Court, pursuant to Rule 14 of the Federal Rules of Criminal Procedure, to:

- a) sever Counts 27 & 28 from the Second Superseding Indictment for purposes of trial of this matter; and
- b) sever Counts 31 through 45 from the Second Superseding Indictment for purposes of trial of this matter.

As grounds therefor, the Defendant states:

1. Counts 27 & 28 charges mail fraud by way of sexual misconduct of the Defendants Keough and Guzman, the joinder of which for trial would prejudice the Defendant in violation of his Fifth Amendment rights and Rule 14 of the Federal Rules of Criminal Procedure;
2. Counts 31 through 45 charges the Defendant Keough with various Counts of Obstruction of Justice, Making False Statements, Witness Tampering, Perjury and Criminal Contempt, the joinder of which for trial would prejudice the Defendant in violation of his Fifth Amendment rights and Rule 14 of the Federal Rules of Criminal Procedure;

The Defendant further moves that he be allowed to file a Motion to Sever for misjoinder of various Counts of the Indictment pursuant to Rules 8 & 14, following disposition of Defendant's Motions to Dismiss filed herewith.

In further support thereof, the Defendant relies on his Memorandum of Law in Support of Defendant's Motion to Sever Counts 27 & 28, and Counts 31-45, filed herewith.

Wherefore, by all of the above, the Defendant's Motion to Sever Counts 27 & 28, and Counts 31-45 must be allowed.

THE DEFENDANT,  
FRANK KEOUGH

By: /s/ Daniel D. Kelly  
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#### **CERTIFICATE OF SERVICE**

I, Dan Kelly, Esq., hereby certify that I caused the foregoing document to be served upon the United States Attorney's Office at 1500 Main Street, Springfield, MA, by electronic service this 27<sup>th</sup> day of September, 2006.

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